Journal of Life Care Planning, Vol. 17, No. 4, (31-37)

2019 Int'l Assoc. of Rehab Professionals

Evaluation of Reasonableness of Fees for Life Care Plan Services in Vaccine Act Cases

Tanya Rutherford Owen
Emma Kate Henry

Abstract

Life care planning is a thriving subspecialty of rehabilitation with practitioners throughout the United States and Canada. While in existence for approximately 30 years, very little has been studied about the fees associated with life care planning services or the amount of time it takes a life care planner to prepare a plan. The goal of this article is to review one jurisdiction that regularly determines the "reasonableness" of fees associated with life care planning services. To do this, a review was made of thirteen cases where a Special Master involved in a Vaccine Injury Compensation Fund case provided written commentary about a determination of reasonableness of life care planning fees submitted for reimbursement. Factors associated with a determination of reasonableness are discussed.

Life care planning is a relatively new subspecialty of rehabilitation, having only existed as a specialty practice for approximately 30 years. There have been numerous training programs and conferences held concerning life care planning methodology and practices, textbooks published concerning the practice of life care planning, and currently there are two journals that publish peer-reviewed articles relevant to life care planning. Despite there being numerous life care planning publications, the topic of fees charged for the preparation of life care plans has received very little attention in the life care planning literature. This article provides details about 13 federal court decisions in which the fees for life care plans were examined and either approved or reduced. The goal of this article is to uncover the parameters utilized when the case adjudicators, deemed Special Masters within Vaccine Act jurisdiction, determine reasonableness of life care plans fees

Life Care Planning Evolution

The evolution of the field of life care planning can be traced directly to the field of economics, to Dr. Frederick Raffa, a Florida economist and faculty member at what is now the University of Central Florida (Weed, 2019; Weed & Berens, 2019). Dr. Raffa was frequently retained to opine about the value of damages incurred as a result of personal injury (Weed, 2019). In the 1980s, Dr. Raffa met rehabilitation professional, Paul Deutsch. The two of them recognized the need for comprehensive care planning for individuals who had sustained injuries and together developed what was first a Catastrophic Summary Profile and eventually the life care plan (Weed, 2019). The first life care planning-related publication appeared in *Damages in Tort Actions* (Deutsch & Raffa, 1982) and was followed by the *Guide to Rehabilitation* (Deutsch & Sawyer, 1985).

From the early 1980s until today, the field has expanded to encompass practicing life care planners throughout the United States and Canada, most of whom originate from primary areas of practice including rehabilitation, medicine, nursing, occupational therapy, speech therapy, physical therapy and psychology. Based upon a recent role and function study (International Commission on Healthcare Certification [ICHCC], 2019) of the 212 life care planners who responded to the survey, their levels of education were as follows: Master's Degree 18.18%, Bachelor's Degree (other) 16.00%, Bachelor of Science in Nursing, 14.91%, other 13.82%, Associate's Degree RN 11.64%, Diploma Nurse 7.27% Master's Degree RN 6.91%, Doctor of Philosophy (Ph.D) 3.64%, Medical Doctor (M.D.) 2.55% , Juris Doctor (JD) 1.82%, Masters of Social Work 1.09%, Bachelor's Degree Rehab Couns. Voc. Eval./Job Placement 0.73%, Doctor of Physical Therapy 0.73%, and Doctor of Education Ed.D. 0.36% (ICHCC, 2019). In this role and function study, practitioners reported their primary field of practice to be 29.71% case management, 21.71% nursing, 14.86% rehab counseling, 13.14% other, 7.14% occupational therapy, 4.00% counseling, 4.00% medicine, and 1.71% physical therapy (ICHCC, 2019).

As seen above, life care planners originate from multiple fields. The result of the multidisciplinary nature of life care planning is that unlike other professions that are not multi-disciplinary (e.g., medicine), there is no one guideline that establishes reasonable life care planning fees. As most life care planners are in solo practice, there has been little communication among life care planners about fee structures. The International Association of Rehabilitation Professionals' (IARP) Code of Conduct in some ways limits communication on the IARP website or listservs about professional fees (IARP, 2019, para 9). This policy reads as follows:

> Messages that encourage or facilitate an agreement about the following subjects are inappropriate: prices, discounts, or terms or conditions of sale; salaries; profits, profit margins, or cost data; market shares, sales territories, or markets; allocation of customers or territories; or selection, rejection, or termination of customers or suppliers.

In a survey conducted of professionals of various disciplines who served as expert witnesses, the average hourly rate charged by life care planners for case review/preparation was $267 (range $150-$500) with average typical total billings on a single case reported at $8,788 (range $350-$23,662) (Mangraviti, Babitsky & Donovan, 2017). These fees will be compared to the fees reviewed by the Special Masters involved in the 13 cases reviewed for this article. As the cases analyzed in this survey exclusively involved life care planning services provided within the Vaccine Injury Compensation Fund, a brief review of this program was made.

Vaccine Injury Compensation Fund

The National Childhood Vaccine Injury Act of 1986 created the National Vaccine Injury Compensation Fund (U.S. Department of Health and Human Services, 2019) which began accepting claims in 1988. The program was developed in an effort to ensure the availability of vaccines following lawsuits against vaccine manufacturers and healthcare providers. The National Vaccine Injury Compensation Program (VICP) is a federal, no-fault program that compensates individuals who have sustained injuries from receiving vaccines (U.S. Department of Health and Human Services, 2019).

Officials are appointed to oversee cases through the U.S. Court of Federal Claims. These cases are typically heard by individuals referred to as "Special Masters." Special Masters serve four-year terms and are appointed by U.S. Court of Federal Claims judges. These individuals provide both case management and decision-making roles in Vaccine Act Cases. One of their responsibilities is approving (or denying) payment to professionals, including attorneys and experts who provide services in Vaccine Act cases through Rule 54(d) of the Rules of the United States Court of Federal Claims (U.S. Court of Federal Claims, 2016).

Professionals (both attorneys and experts) involved in these cases submit costs for approval and payment, which are reviewed by the Special Master assigned to each case. With the request for payment, the parties must submit supporting documentation to support the reasonableness of the costs claimed. A review of Black's Law Dictionary (1991) defines reasonable as "fair, proper, just, moderate, suitable under the circumstances". . . "Not immoderate or excessive. . ." (p. 874). Without what is deemed to be proper documentation, the claimed costs are scrutinized and the full cost may or may not be authorized. Within this setting, there is a fee schedule set each year by the Office of Special Masters which provides the hourly fees to be paid to attorneys involved in Vaccine Act cases (U.S. Court of Federal Claims, 2019).

In 2019, fees were as follows:

Table 1
Attorney hourly fees 2019

31+ years of experience in practice $415 – $464
20 – 30 years of experience in practice $378 – $448
11 – 19 years of experience in practice $324 – $405
8 – 10 years of experience in practice $297 – $378
4 – 7 years of experience in practice $243 – $324
Less than 4 years of experience in practice $162 – $243
Paralegals $135 – $156

These rates, referred to as "forum rates" are based upon the site of the tribunal in Washington D.C., which is the forum used in the lodestar formula, other than when the rates in an attorney's local area are significantly lower than the forum rates (U.S. Court of Federal Claims, 2019). The Federal Circuit approved the use of the lodestar approach to determine "reasonable attorney fees" under the Vaccine Act (U.S. Court of Federal Claims, 2019). Using this approach, a reasonable number of hours is multiplied by a reasonable hourly rate. A reasonable hourly rate is "the prevailing market rate" which is defined as the prevailing rate in the community for similar services of lawyers of comparable skill, experience, and reputation (U.S. Court of Federal Claims, 2019). No such fee schedule was found for experts involved in this system. Based upon a review of cases, it appears that fees submitted by life care planners are scrutinized on a case-by-case basis for a determination of reasonableness.

Methodology

In an effort to gather legal decisions where reasonableness of fees charged by life care planners was discussed, a review was made of Vaccine Act opinions issued between 1998 and 2019 through the United States Court of Federal Claims found at https://www.uscfc.uscourts.gov/opinion-search. A review was made of Vaccine Act cases searching for the keyword, *life care plan and costs*. An additional search was made of LexisNexis (Relx, 2019) to locate additional legal decisions that addressed life care planner fees, using these terms. Using *life care plan*, a total of 270 decisions were identified. Using *life care planner fees*, a total of 236 cases were identified. Based upon this selection criterion, a total of 13 legal decisions were identified for inclusion in this article, based upon the recency of the legal decision and the inclusion of the pertinent keywords and subject matter.

Results

Case 1- *Bernhard Kreten v. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2018). In this case, Special Master Christian J. Moran addressed the costs for development of a life care plan. The fees of $10,027.14 were requested for payment for the time required to prepare the life care plan. The total cost was based a reported hourly rate of $125, which Special Master Moran found to be "reasonable for the services of a life care planner" (p. 5). Additionally, he determined that the time spent in preparation of the plan appeared to be reasonable based upon the complexity of the case. In this matter, however, Special Master Moran reduced the receipts for food submitted by $16.96 based upon the appearance of an alcohol tax on the food bill, which he inferred was for alcohol ordered with the meal. As the program will not reimbursement for purchase of alcoholic beverages, he reduced the cost of the meal by half or $16.96.

Case 2-*Marissa Arevalo, guardian and mother of R.M.R. vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2018). In this case, Special Master Christian J. Moran addressed the fees for development of a life care plan. The amount requested for reimbursement of costs in this case included $22,832.88 for fees associated with preparation of a life care plan. Special Master Moran deemed the 196 hours involved in preparation of the plan generally reasonable, given the "voluminous amount of medical records and the overall complexity of the case" (p. 5). Additionally, he noted that it took approximately one year to prepare the plan. The hourly rate in this case was $185 per hour, which was also approved for reimbursement. Special Master Moran determined, however, that similar to their policy with attorneys, the Vaccine Program would only compensate experts for their travel time at one-half of their standard rate, absent proof of how much time was devoted to working while traveling. In this case, therefore, travel was reimbursed at $92.50 per hour. Additionally, he reduced the travel time from 18.5 hours (from Houston to Peoria and back to Houston) based upon the submitted itinerary that included 4.5 hours of each flight (including layover). He determined that compensation of 6.5 hours of travel each way (4.5 hours of flight and .5 hours of travel to the petitioner's home and back to the airport), instead of 18.5 hours was reasonable.

Case 3-*Kavita Desai v. Secretary of Health and Human Services, U.S.* Court of Federal Claims (2018). In this case, Special Master Thomas L. Gowen addressed the costs of attorney and expert fees including the fees involved in the development of a life care plan. In this decision, Special Master Gowen noted that a line by line evaluation of the fee was not required but he could rely upon his prior experience to evaluate the reasonableness of the number of hours expended.

Special Master Gowen determined that the hourly rate billed by the life care planner, $225 per hour was reasonable. The hours expended in preparing the life care plan, 123.17 hours were also evaluated. In this evaluation, Special Master Gowen determined that the number of hours expended was unreasonable for several reasons. First, he characterized the billing records reflecting research activity conducted by the life care planner as "vague," determining that the life care planner should not record her time as 'research' but should, for example, note "researched cost of EMG/ nerve conduction studies in Bronx, NY" (p. 7) As a result, he compensated the life care planner for only 50% of the life care planner's research costs, resulting in a reduction of fees in the amount of $5,982.25. Special Master Gowen also reduced the life care planner's travel time by 50% of the regular billing rate, as per the Vaccine Act Program's policy concerning travel time of professionals. This resulted in a deduction of $2,615.63. In his order, Special Master Gowen directed the retaining attorney to advise the life care planner of his critiques so that future submissions do not involve these same issues. It is also noted that in this case, the attorneys' fees were reduced by over $11,000.

Case 4-*D.S. vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2017). In this case, Chief Special Master Dorsey addressed the fees for life care planning services. The costs included $41,296.79 to reimburse fees and expenses for the life care planner. Special Master Dorsey, in her opinion, wrote, "Fees for experts are subject to the same reasonableness standards as fees for attorneys" (p.9). The services performed by the life care planner were billed at an hourly rate of $250, which Special Master Dorsey found reasonable based upon the life care planner's credentials as a registered nurse and her more than 23 years of experience as a life care planner. As seen in other decisions, Special Master Dorsey reduced the life care planner's hourly rate for travel to 50%, consistent with the program's guidelines. This resulted in a fee reduction of $2,443.75.

Special Master Dorsey also addressed the reasonableness of the number of hours expended by the life care planner between September 2015 and January 2017, noted as 149.6 hours. She noted that the life care planner billed 43.35 hours for correspondence and phone calls with the attorney who retained the life care planner. Special Master Dorsey noted that the attorney "communicating excessively" with the life care planner, caused the bills for both the attorney and the life care planner to increase, concluding, "this type of excessive billing is disfavored" (p.9). She also noted that this same attorney had been previously cautioned about this behavior by other Special Masters and cited their opinions to state, ". . . with an experienced life care planner, there is no need for extensive attorney involvement" (p.9). Therefore, in this case, Special Master Dorsey reduced the life care planner's fee by 10 percent, "Due to the volume of excessive and administrative billing entries" (p.10). In total, she reduced the life care planners fees of $41,496.79 by $6,349.05 for travel and what she determined to be excessive billing. Of note, Special Master Dorsey in this matter also reduced the retaining *attorney's* fees by 10%, "Due to the volume of excessive, duplicative, and administrative billing entries" (p.7).

Case 5-*H.J. vs. Secretary of Health and Human Services*. U.S. Court of Federal Claims (2017). In this case, Special Master Herbrina Sanders addressed the fees for life care planning services. In this case, the life care planner's fees of $13,305.00 were deemed reasonable by Special Master Sanders. In the decision, Special Master Sanders noted that "invoices for life care planners should, like those of other experts, include detailed invoices that are created contemporaneously with the hours worked" (p.5). The life care planner's hourly rate of $150 per hour and the number of hours worked to prepare the life care plan, 75.7 hours were both deemed to be reasonable. The life care planner submitted travel reimbursement at 50% of her hourly rate (or $75 per hour) for her 26 hours of travel. Therefore, no reduction was made in the life care planner's fees.

Case 6-*Kevin McErlean vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2016). In this case, Special Master Laura Millman addressed the fees for life care planning services. In this matter, the petitioner filed a Motion for Reconsideration asking the Special Master to reconsider her decision not to compensate petitioner for $10,605.94 that he expended for hiring a life care planner. The Special Master noted that she had chosen not to reimburse petitioner for the costs associated with life care plan preparation essentially because petitioner testified that he did not anticipate incurring any medical expenses in the future due to his alleged vaccine injury and a physician (Dr. Dambeck) testified that he did not recommend extensive therapies. The physician stated that while another round of therapy may be required, his main treatment recommendation was for routine home exercises.

In this case, both the petitioner and the respondent hired a life care planner. The Special Master noted in her decision that life care planners are used to "evaluate the costs of various therapies," "determine the costs of various home modifications," or "evaluating the costs of institutional placement" (p. 2). Because, in her opinion, the testimony did not substantiate the need for extensive future care, the Special Master maintained that the $10,605.94 that petitioner requested for hiring a life care planner was unreasonable and would not be reimbursed.

Case 7-*Carol Jones vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2014). In this case, Special Master Thomas Gowen addressed the fees for life care planning services. In this matter, respondent argued that the $4,050 billed by the petitioner's life care planner in preparing the life care plan was unnecessary because the individuals medical sequelae "was not severe" (p. 4) and her health care costs would be covered by Medicare. To justify the need for a life care plan, the petitioner's counsel explained that the petitioner had ongoing disabilities and impairments and that the parties were far apart in case valuation. In this case, the life care planner's hourly rate was $150 per hour and the life care planner was asked to do the following: 1) obtain cost information; 2) confirm the need for items claimed; and 3) determine which items would be covered through Medicare. The total cost billed in this assignment, $4,050 was paid in full based upon Special Master Gowen's approval.

Case 8- *Shelaine Harmon vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2019). In this case, Chief Special Master Nora Beth Dorsey addressed the fees for life care planning services. In this case, Special Master Dorsey reviewed billing records of the life care planner, who billed at their full rate of $175 per hour for travel. As seen in other cases, the Vaccine Program compensates a professional's travel at one-half their professional rate, unless there is proof that case work was being performed while traveling. Therefore, the life care planner's bill as submitted was reduced by $787.50.

Case 9-*Tabitha Price, as Mother and Natural Guardian of D.P. vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2019). In this case, Special Master Thomas Gowen addressed the fees for life care planning services. In the review of attorney and life care planner fees, the Special Master determined that the fees submitted by the attorneys were reasonable. When reviewing the fees charged by the life care planner, the Special Master reduced the billing by 50% for one day of billing where the life care planner charged 16.25 hours. The Special Master noted that the billing was both block billing and he called it "extremely unlikely" that the life care planner spent that much time in one day on record review (p. 3). As a result, the Special Master reduced the fees for that day by 50%, resulting in a $812.50 fee reduction.

Case 10-*Amy Taylor, mother of A.T. vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2019). In this case, Chief Special Master Nora Beth Dorsey addressed the fees for life care planning services. In this matter, the life care planner's hourly rate of $225 per hour was deemed reasonable. In preparing the life care plan, 108.26 hours were billed. In this matter, the Special Master noted that this particular life care planner had been previously cautioned about "vagueness" in billing and cited two other Vaccine Act cases where the Special Master had noted same. The Special Master noted that 30.42 hours was recorded as "review records," "report preparation," or "review records and report preparation" (p. 5), calling these vague and without differentiation between what was being done. The Special Master cited similar decisions where entries such as "general research" would not permit the Court to evaluate that the life care planner's work was not duplicative and was reasonable. As a result of this, the Special Master in this case reduced the life care planner's billed hours by 10%, resulting in a $2,186.57 reduction in the bill. Similar to other decisions, the life care planner's 12 hours in travel were also reduced by 50%, resulting in an additional reduction of $1,350.

Case 11-*Jessica R. Martin, on behalf of K.M., vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2019). In this case, Special Master Christian J. Moran addressed the fees for life care planning services and in this decision notes, "Reasonable expert fees—such as the fee for a life care planner—are determined using the lodestar method, in which a reasonable hourly rate is multiplied by a reasonable number of hours" (p. 4). In this matter, the life care planner's hourly rate was deemed reasonable, although it is not reported explicitly in the decision. However, the Special Master determined that the fee of $14,304.33 charged by the life care planner "raises eyebrows" (p. 4), given that a typical life care planner charges $4,000-$5,000 for a case of this complexity. Again, Special Master Moran criticized the billing practices of the life care planner due to what he termed vagueness, giving the example of communication being billed without showing the subject matter of the communication. He stated, "Professionals who are seeking reimbursement through the judicial system are expected to create invoices that contain sufficient detail to allow an effective review of reasonableness" (p. 4). He also criticized multiple billing entries showing what he termed "minimum time increments" (p 5). Additionally, the Special Master noted that "secretarial work," such as purchasing airfare, reserving a hotel room, or seeking directions, should not be billed at professional rates. Finally, Special Master Moran criticized the amount of time the life care planner expended in costing certain "commonplace" costs (p.5), noting that with the life care planner's expertise, costs for some items (e.g., physical therapy, medications, etc.) should be "readily available" (p. 5). In this matter, the Special Master reduced the life care planner's fees by 35%, noting that the life care planner's invoice did not support that the amount billed was appropriate.

Case 12-*Tadek and Renata Towpik, parents of A.T. vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2019). In this case, Special Master Thomas L. Gowen addressed the fees for life care planning services. In this matter, the Special Master determined that the 123.05 hours expended to prepare a life care plan were reasonable, given the complexity of the case and the travel necessary to meet with A.T.

Case 13-*Judy Walker Bible, administratrix of the estate of Kenneth Bible, deceased vs. Secretary of Health and Human Services,* U.S. Court of Federal Claims (2019). In this case, Special Master Christian J. Moran addressed attorney's fees and fees for the medical expert and life care planner. Special Master then analyzed the number of hours billed, noting in his decision that reasonable hours "are not excessive, redundant, or otherwise unnecessary" (p. 3) and noted in his decision the importance of describing professional activities with sufficient detail that the reasonableness of work may be assessed. Due to what Special Master Moran called vagueness in billing records of the attorneys involved in the case, he reduced the attorney fees requested by $18,710.50. When examining the hours of the life care planner, he also noted "very little description" of the life care planners activity (p. 4), calling the number of hours billed (39.07) into question. As a result of the opacity of the life care planner's billing records and particularly combined with the death of Mr. Bible in the process, Special Master reduced the life care planner's invoice by 10%, resulting in a $488.33 reduction.

Discussion

In the cases reviewed, the adjudicators consistently addressed the reasonableness of attorney's fees and the fees of the expert life care planners. In doing so, the hourly rate charged by the life care planners was reviewed. In each of the reviewed cases, the Special Master decided that the hourly rate charged for professional services, in these cases $125-$250 per hour, was reasonable. Factors utilized to determine reasonableness included the number of years of experience of the life care planner, as well as their educational background. While geographic area of the professional appeared to be relevant to fee determination for attorneys, that was not cited as a variable when determining whether or not to pay the fees of life care planners.

It is noted that the hourly rates specifically quoted in these Vaccine Act decisions ranged from $125 per hour to $250 per hour. In contrast, a recent compensation survey reported the average hourly rate of life care planners in their sample to be $267 per hour (range $150-$500). While this cannot be explained by the research conducted for this article, it may be that life care planners working within the Vaccine Injury Compensation Fund charge lower rates than are seen in other jurisdictions. Additionally, this determination that $125-$250 per hour is "reasonable" is somewhat surprising because comparatively this same program deems that $135-$156 per hour is a reasonable rate for paralegals. This seems inconsistent given that most (66.91%) life care planners have educational backgrounds that include four to six plus years of post-high school training, while paralegal training is only one to two years of post-high school training (ICHCC, 2018). In the one case that specifically cited the number of years of professional experience held by the life care planner as 23 years, the Special Master deemed the hourly rate of $250 per hour reasonable. By contrast, this program would likely deem it reasonable that an attorney with 20 years of experience be reimbursed at an hourly rate of $378 – $448 per hour. It is unknown how the Special Masters determined a reasonable rate for a particular life care planner, as their analyses were not cited in the opinions reviewed.

In this particular set of cases, most of the scrutiny seemed to be paid to proper documentation by the life care planner for specific activities in the billing records. The Special Masters in this group of cases often noted vagueness in the life care planner's billing records as their reason to not reimburse the life care planner for the amount billed.

Additional details about specifically what the life care planner was doing to generate each billing entry seemed to be desired by some of the Special Masters examining invoices. This may be a factor of the program stipulations of the Vaccine Injury Compensation Program, as such program guidelines were noted regularly by the Special Masters when addressing the reasonableness of fees for all professionals. One program guideline repeatedly mentioned when determining the reasonableness of fees was the expectation of a 50% reduction in travel fees, for both attorneys and professionals.

Additionally, scrutiny was paid to the number of hours billed for life care plan preparation. When evaluating the "reasonableness" of the number of hours expended by the life care planner, the complexity of the case was usually cited by the Special Master. Additionally, as the Special Masters regularly reviewed life care plans, they seemed to have a threshold for fee ranges for certain types of life care plan reports.

When reducing fees, Special Masters also did not approve the professional rate for tasks deemed to be secretarial or clerical in nature. Unlike many law firms where arranging travel may be delegated to clerical support personnel or legal research may be delegated to a paralegal, many life care planners are sole practitioners. The most recent role and function study revealed that the most commonly reported practice setting (36.06%) was owner/independent practice without employees (ICHCC, 2019). Therefore, many life care planners may perform all tasks themselves, as they may not have support staff available. If the determination of reasonableness of fees is designed to follow the methods through which the Vaccine Injury Compensation Fund compensates attorneys, it may behoove life care planners in these programs to provide justification for such fees including the number of years of experience in practice and the lack of available staff members to perform "non-professional" work. Finally, it is noted that when the Special Masters reduced fees, it was based upon a percentage reduction. Other than the program stipulation that travel is reimbursed at 50% of the professional rate, the other percentage reductions were not justified in the opinions. The Special Masters appeared to make reductions of 10% or 35%, without an explanation of how those percentages were determined.

Conclusion

In summary, this review of opinions examining payment of fees life care planners appears to be the first review made of such data, since the subspecialty of life care planning emerged in the late 1980s. Such data can serve to guide life care planners' practices pertaining to documentation of professional activities (i.e., professional time spent) and familiarity with program guidelines.

In order to improve the practices of life care planners in the United States and Canada, we must continue to review our training programs, standards, and methodologies so that we can continue to improve the discipline of life care planning, as well as our individual practices. One area of practice that has been overlooked in the literature is compensation rates for life care planners. While this study concentrated only on life care planning fees adjudicated within the Vaccine Injury Compensation Fund, it has identified the types of variables considered when reviewing life care planners' fees. Additional research is needed in other jurisdictions to provide insight into the variables considered in more jurisdictions than the one studied here.

References

Nolan, J.R. and Nolan-Haley, J.M. (1991). *Black's Law Dictionary* (6th ed.). St. Paul, MN: West Publishing Co.

Deutsch, P., & Raffa, F. (1982). *Damages in Tort Action* (Vols. 8 & 9). New York: Matthew Bender.

Deutsch, P., & Sawyer, H. (1985). *Guide to Rehabilitation*. New York: Matthew Bender.

Health Resources and Services Administration (2019, June). About the National Vaccine Injury Compensation Program. Retrieved from https://www.hrsa.gov/vaccine-compensation/about/index.html.

International Association of Rehabilitation Professionals (2019). Code of Conduct. Retrieved from https://rehabpro.org/general/custom.asp?page=code_of_conduct

International Commission for Health Care Certification. (2019). ICHCC 2018 R&F study factor loadings of Job Task Inventory (JTI). Retrieved from https://www.ichcc.org/images/PDFs/Factor-and-subfactors.pdf

Mangraviti, J. Babitsky, S. & Donovan, N. (2017). SEAK, Inc. Survey of Expert Witness Fees. Falmouth, MA: SEAK.

Relx (2019). Lexis Advance Research.

United States Court of Federal Claims (2016). U.S. Court of Federal Claims Guide for Preparing a Bill of Costs. Retrieved from https://uscfc.uscourts.gov/sites/default/files/FINAL-BOC-Guidance.pdf

United States Court of Federal Claims (2019). Office of Special Masters Attorneys' Forum Hourly Rate Fee Schedule: 2019. Retrieved from https://www.uscfc.uscourts.gov/sites/default/files/Attorneys%27%20Forum%20Rate%20Fee%20Schedule%202019.pdf

U.S. Department of Health and Human Services (2019). National Vaccine Injury Compensation Program. Retrieved from https://www.benefits.gov/benefit/641.

Weed, R. O. (2019). A brief history of life care planning. Journal of Life Care Planning, 17(3), p, 5-14

Weed, R. & Berens, D. (Eds.) (2019). *Life Care Planning and Case Management Handbook* (4th ed.). Abingdon, UK: Routledge Press.

Author's Note

Tanya Rutherford Owen, Ph.D., CRC, CLCP, CDMS, LPC, FIALCP is a life care planner and rehabilitation counselor with over 20 years of experience in the field of life care planning. She has provided testimony in various state and federal courts and in Social Security disability adjudication hearings. Dr. Owen has independently researched and published articles in the *Journal of Life Care Planning, The Rehabilitation Professional and the Journal of Rehabilitation*. Correspondence concerning this article should be directed to Tanya Rutherford Owen, Ph.D. at owenvoc@gmail.com.

Emma Kate Henry is a student at the University of St. Andrews in Scotland where she is pursuing a degree in economics. She is currently a research associate involved in research regarding game theory and the implications of international public policy on macroeconomic welfare.